

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A CO-PENDING PATENT  
APPLICATION**Docket Number (Optional)  
02356/12

In re Application of: Toru WADA, et al.

Application No. 10/618,638

Filed: July 15, 2003

For: LAMINATE FOR IR ABLATION

The owner, Toyo Boseki Kabushiki Kaisha, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on co-pending Patent Application No. 10/279,005. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on Application No. 10/279,005 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on co-pending Patent Application No. 10/279,005, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

September 29, 2005

Signature

Date

09/30/2005 JADD01

00000043 110600 10618638

02 FC:1814

130.00 DA

Cassandra T. Swain, Ph.D., Reg. # 48,361

Typed or printed name

- ☒ Please charge the Terminal disclaimer fee of \$130.00, under 37 CFR 1.20(d) to  
Kenyon & Kenyon Deposit Account 11-0600

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DCO 584439